

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

BOB WILLIAM MCCLARY, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0425

APRIL FRANKLIN, Sgt.,
EDWARD STOKLEY, Correctional Officer,
TIMMY BLEVINS, Sgt.,
LPN COOK (Female, First Name Unknown),

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that Defendants' Motion for Summary Judgment (ECF No. 130) be granted; the amended complaints (ECF Nos. 22, 36) be dismissed against Defendants Blevins, Stokely, and Franklin, with prejudice; the amended complaints be dismissed against Defendant Cook pursuant to Fed. R. Civ P. 4(m); and this case be removed from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Defendants' Motion for Summary Judgment (ECF No. 130) be **GRANTED**; the amended complaints (ECF Nos. 22, 36) be **DISMISSED** against Defendants Blevins, Stokely, and Franklin, with prejudice; the amended complaints be

DISMISSED against Defendant Cook pursuant to Fed. R. Civ P. 4(m); and this case be **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 14, 2022

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE